

The Salisbury Planning Board held its regular meeting on Tuesday, August 12, 2003, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Fred Dula, Lou Manning, Rodney Queen, Jerry Wilkes, Len Clark, Jeff Smith, Sean Reid, Sandy Reitz, Brian Miller, Ken Mowery

ABSENT: Mitzi Clement, Eldridge Williams

STAFF: Joe Morris, Dan Mikkelson, Patrick Ritchie, Patrick Kennerly, Harold Poole,

The meeting was called to order by Chairman Dula. The minutes of July 22, 2003 were approved as published.

ZONING TEXT AMENDMENT

East Innes Street Gateway Plan

- (a) Chairman Dula convened a courtesy hearing on East Innes Street Gateway Plan

Planner Patrick Kennerly gave the presentation, he explained the number of committee meetings and the exhaustive work staff and the committee had done in trying to provide the information to the public. A Town Hall meeting was held at the Chamber of Commerce at which all the area property owners were invited to attend, and ask questions about their own properties.

There is a number of goals to the Gateway plan the most important one is the committee wanted to establish a plan that was easier to understand.

Those speaking in favor of the East Innes Street Gateway Plan:

Randy Hemann, 327 Mitchell Ave., Executive Director of Downtown Salisbury- The new Gateway Ordinance provides flexibility and developers even like this proposal. This plan has broad community support. Had a lot of public input in this plan. The community has a lot invested in this. This plan will not show results immediately but 20 years from now, people will really thank us for going forward with it.

Edward Norvell, 128 S. Fulton Street- Gives the history of development, from the early 1980s, on East Innes Street which he says "is a mess." This proposal would make improvements to this area. Feel like this is a good plan and hope that you will support it.

Judy Newman, 604 Maupin Ave., Executive Director of Rowan County Convention and Visitor's Bureau- Randall Marketing Study's criticism of East Innes would be addressed. Embarking upon this plan may not have an immediate effective but years down the road it will make a difference.

Mark Lewis, 136 Rugby Road- Would like to thank you for carrying the torch for the Gateway. Doesn't think any of us would deny, that we don't have a desirable entrance into our

city off of Interstate 85 coming up East Innes Street. Our citizens have told us repeatedly that we have a job to do as the leaders of this city to do something about this. This is an improvement to the VCOD. Adds “alternate methods of compliance.” Nonconforming uses, if a catastrophe were to strike, could be rebuilt with a choice.

Those speaking in opposition to the East Innes Street Gateway Plans:

Glenn Ketner Jr., Attorney in Salisbury and President of Rowan Investment Company (which owns some property which is in the proposed area). –“in between” to Proponents and Opponents. Difference on advisability of extending downtown-type development from our traditional downtown to and beyond Interstate 85. Better plan without any question than the VCOD in that it is more limiting in area. Would suggest that if you recommend this that you recommend that you delete VCOD from code. Should be a built-in time frame for review, thinks that process should be set in motion now. Question on matrix- external expansion of renovation. Concerning “alternate methods of compliance,” it is limiting on what it applies to.

Josephine Peeler, 102 Fairfax Drive- Thinks this should be put on the back burner for six more years, because a lot of us don’t draw employment like you all do and every time we turn around our city taxes are going up and up. I have lived on that end of town 40 years, I like the signs, signs tell me where things are. The City shouldn’t be in real estate.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid- There have been lots of meetings. We need to pass this on to Council. Sean made the motion to send this to City Council, Rodney Queen seconded the motion with all members voting AYE.

Jeff Smith- Verification about notification to the public. Realizes there are unique situations, and we may need to adjust. Would like to help follow this thru in the next three years.

Brian Miller- May take 10 years to realize the impact. We may need “tweaks,” but shouldn’t be limited by a timeframe for review. Another thing just for clarification, our other opponent mentioned that the City shouldn’t be in real estate. These are the rules that the developer uses when they develop their site, this has nothing to do with the City going in and developing a site themselves. If you own a piece of property on this stretch of road if you choose to develop it these are the rules you would have to follow, it has nothing to do with tax dollars.

Sandy Reitz- The plan could bring revenue into the City.

Ken Mowery- Any ordinance can be adjusted at any time, and doesn’t need a timeframe.

The chairman closed the courtesy hearing on this case.

ZONING MAP AMENDMENTS

- (a) Chairman Dula convened a courtesy hearing on Z-11-03

Z-11-03 Gateway Overlay

Location: Properties located on both sides of East Innes Street from the Southern Railroad tracks to the future Newsome Road extension
Size: Approximately 82 Acres
Existing Zoning: B-6 General Business District
B-4 Highway Business District
B-7 Limited Business District
Proposed Zoning: Add Gateway Overlay

Planner Patrick Kennerly gave the presentation, at which he showed the East Innes Street corridor, from the railroad tracks to the future Newsome Road extension, with the overlay. It included 75 properties and approximately 82 acres.

Those speaking in favor of the zoning change request:

Randy Hemann, 327 Mitchell Ave.- In full support of proposed zoning map amendment.

Edward Norvell, 128 S. Fulton St.- This is a unique opportunity, with the widening of Interstate 85.

Those speaking in opposition to the zoning change request:

None.

The chairman closed the courtesy hearing on this case.

- (b) Board Discussion:

Rodney Queen made the motion to approve the zoning map amendment- Z-11-03, Jeff Smith seconded the motion with all members voting AYE.

- (a) Chairman Dula convened a courtesy hearing on Z-8-03

Z-8-03 Lewis & Lewis Builders

Location: 910 Newsome Road
Size: Approximately 4.82 Acres
Existing Zoning: R-8 Single Family-8 Residential District
Proposed Zoning: R-6-A Multi-Family Residential District

Planner Patrick Kennerly explained that area proposed for rezoning consists of one parcel that covers approximately 4.82 acres. It is located along the west side of Newsome Road, near its intersection with Bringle Ferry Road.

Though no reason was given for requesting rezoning, R-6A zoning is usually requested for multi-family units- usually apartments. 4.82 acres, with the allowable 11 units per acre in R-6A, would allow as many as 53 apartments to be built.

Those speaking in favor of the zoning change request:

Butch Lewis, President of Lewis & Lewis Builders, 302 Trapper's Ridge Drive, Rockwell- would like to have the property rezoned to R-6A.

Those speaking in opposition of the zoning change request:

Jane Drenkhahn, 407 Pinewood- Asked that other in the audience stand who were in opposed, and about 20 people stood. Two pages of vacant apartments in the newspaper, with more apartments now being built. Newsome Road is too narrow. Drop in the property value, this proposal will not contribute to our neighborhood.

Josephine Peeler, 102 Fairfax Dr.- Should put apartments in the Country Club Section. Heavy traffic around this site, not much playing area for children. Rezoning will reduce property values.

At this point Rodney Queen said that it was his understanding that the applicant didn't want to go through with the proposed rezoning if there was going to be much opposition.

Sean Reid made the motion to deny the rezoning, Sandy Reitz seconded the motion with all members voting AYE.

The chairman closed the courtesy hearing on this case.

(a) Chairman Dula convened a courtesy hearing on Z-9-03

Z-9-03 Belle Realty Development Company

Location: Property between Old Mocksville Road and Sells Road

Size: Approximately 25.8 acres

Existing Zoning: RD-A Residential Development-A District

Proposed Zoning: R-8 Single Family-8 Residential District

Sr. Planner Harold Poole explained that the area proposed for rezoning consists of a portion of one large tract located about halfway between Old Mocksville Road and Sells Road, adjacent to the most recent phases of Country Club Hills. The entire tract covers about 55 acres. A portion of the parcel is zoned R-8, and the remaining 25.8 acres, currently zoned RD-A, is proposed for R-8. The entire 55 acres is currently undeveloped.

Those speaking in favor of the zoning change request:

Victor Wallace, 408 Camelot Dr, Represents Belle Realty Development Company- rezoning from RD-A to R-8 would provide consistency in Country Club Hills.

Those speaking in opposition of the zoning change request:

None.

Rodney Queen made the motion to rezone the property as proposed, Lou Manning seconded the motion with all members voting AYE.

Ken Mowery made the motion to rezone the remaining portion of Country Club Hills between the part in Z-9-03 and Mocksville Road so that all Country Club Hills can be uniformly zoned R-8. Brian Miller seconded the motion with all members voting AYE.

The chairman closed the courtesy hearing on this case.

(a) Chairman Dula convened a courtesy hearing on Z-10S-03

Z-10S-03 Myers Golf Shop

Location: 1704 Stokes Ferry Road

Size: Approximately .212 acres

Existing Zoning: R-8 Single Family-8 Residential District

Proposed Zoning: B-R-T-S Special Retail Trade Business District

Sr. Planner Harold Poole explained that the property proposed for rezoning is located at the corner of Stokes Ferry Road and Wildwood Drive. The small parcel is about 0.21 acres and has a single family residence.

Those speaking in favor of the zoning change request:
None

Those speaking in opposition of the zoning change request:

Jeff Taylor, 1805 Benjamin Drive in Corbin Hills- Asked for opponents to stand and approximately 17 people stood. This is the entranceway to the Corbin Hills community. Our concern is B-RT-S is a very wide range of zoning. The intended purpose is for a golf shop but years down the road this could become a convenience store or a more major commercial development. This will devalue our properties in the Corbin Hills neighborhood.

Frank Bouche, 409 Wildwood Drive in Corbin Hills- Rezoning in this matter will have a detrimental effect on the area. Applicant will need a parking lot since the lot is too small for both a business and its associated parking. Too many vacant commercial properties in the area and he named a few.

Bob Wright, 1810 Whitney Lane in Corbin Hills, Chamber of Commerce Executive Director- this is a busy intersection at an exclusively residential development. Will create a lot more traffic in a already busy area.

Jerry Barger, owner of Corbin Hills Golf Course- it would be a bad mistake to rezone, proud of neighborhood and golf course. Five hundred yards down the road he has a golf shop himself.

(b) Board Discussion:

Sandy Reitz- agrees with opponents that rezoning this property would not be suitable in this residential area. Sandy made the motion to deny the rezoning as proposed, Lou Manning seconded the motion with all members voting AYE.

Sean Reid- Decisions have repercussions, such as the B-RT-S next door.

The chairman closed the courtesy hearing on this case.

PRELIMINARY PLAT SUBDIVISIONS

S-4-02 Oakview Commons, Phase 3 (extension of a previously approved plat)

Patrick Ritchie explained that Oakview Commons is a 200+ lot subdivision development off the west side of Faith Road, between the railroad tracks and Old 80.

An earlier submittal of Section 3 was approved by the Planning Board in August 2001, involving 47 acres and 170 residential lots, and is currently valid- but will expire later this month. The developer has requested a 2-year extension of this approval as outlined in Section 5.01.1.k of the Subdivision Ordinance. The current submittal includes the same acreage and layout as previously approved, except that nine of the lots were combined to form a “common area” which was required to meet some state water quality issues.

Jeff Fletcher, from Concord, was present to answer any questions about the planned subdivision.

Jeff Smith made the motion to reapprove, as it was about two years ago, giving the same relief to street length, Lou Manning seconded the motion with all members voting AYE.

S-6-03 Country Club Hills, Section 7

Patrick Ritchie explained that half of this property is currently RD-A zoning and about half in R-8 zoning. In zoning case Z-9-03, the remaining half zoned RD-A is proposed for R-8 zoning to make the tract uniform in zoning. All the property is within existing city limits, and all lots will be served by city water and sewer.

The following items were identified by the Technical Review Committee and must be addressed before the plat may receive a positive recommendation by TRC:

- a. The rezoning must be completed in order for the plat to meet city standards.
- b. The maximum distance between intersection is 800 feet, according to Section 5.02.11 of the Subdivision Ordinance. Three streets do not meet these requirements.

- c. The easement of the 42-inch raw water line must be shown on the plat.

Lee Wallace- said this has been worked on for some time, and would like to see it approved, as is, by the Planning Board.

Victor Wallace- in addition to wanting the “modification of standards” for the three streets with lengths greater than 800 feet, asks relief from the 5-foot sidewalk standard. Said the rest of Country Club Hills has no sidewalk. Many people don’t like sidewalks.

Jay Dees – is this a new subdivision ? Or is it the extension of an existing subdivision?
[NOTE: If this reference is being made to the sidewalk issue, which it probably is, the Zoning Board of Adjustment ruled on that in a case involving The Reserve. The ruling was that even though sidewalks were not required during the approval of Phase 1, sidewalks had been approved prior to the approval of Phase 2, so that Phase 2 and subsequent phases must meet current standards, which, in this case, meant sidewalks.]

Richard Shulenberger- design an important consideration in the layout of the streets within the development.

Jeff Smith- asks staff for possibilities that would change the subdivision to allow the 800 foot maximum street length to be observed.

Brian Miller- the length of the streets does not seem to be excessive. One of the curves serves for traffic calming.

Sean Reid- we are granting many variances on street lengths- why have a standard if we don’t stand by it.

Jeff Smith- this proposal seems to work well with topography.

Sandy Reitz- concerned about traffic speed.

Rodney Queen made the motion we grant relief from the 800 feet from intersection requirement on streets, Jerry Wilkes seconded the motion with a 9-1 vote with Sandy Reitz voting NAY.

Staff told Planning Board that since the issue of sidewalks had not been discussed at the Technical Review Committee meeting, it couldn’t be voted on by Planning Board. One option Planning Board would have is to wait until after the next TRC meeting, where the issue would be addressed.

These are Planning Board comments about the sidewalks;

Jeff Smith- no relief should be granted. The developer has to adhere to new standards, just like everybody else.

Rodney Queen- relief should be granted here because it was in the Forest Glen case. [NOTE: Staff explained how this was different than Forest Glen- first, the phases were not approvals but reapprovals, second, the sidewalks were replaced by a greenway behind the properties where a sidewalk would go, and third, the approval was by City Council.]

Jerry Wilkes- would be in favor of granting relief.

Brian Miller- let's look at options.

Ken Mowery- if sidewalks were provided, they would be used. Streets are not safe for pedestrians.

Though staff warned that any approval of sidewalks would be illegal since the TRC had not been notified of the request, Planning Board went ahead and voted on it anyway.

Jeff Smith made the motion that sidewalks be required on both sides of the streets in this subdivision, Lou Manning seconded the motion with a 6-4 vote. Voting in support: L. Manning, B. Miller, K. Mowery, S. Reid, S. Reitz, J. Smith. Voting in opposition: L. Clark, F. Dula, R. Queen, J. Wilkes.

GROUP DEVELOPMENTS

G-10-03 Tri-State Hospital Supply Corporation- 3310 South Main Street
Barbara J. Walker (for Wayne Kobinska) submitted the application for the construction of a 5,040 square foot building addition and parking reconfiguration at the existing site at 3310 South Main Street. All zoning criteria have been met, the Technical Review Committee recommended that the site plan be approved.

Barbara Walker- who filed was present to explain the proposal.

Wayne Kobinska- Tri-State Hospital took over the building in 1986. At that time, there were 29 employees. Now, there are 115 employees. There is a need to upgrade and expand a building that was built in the 1960s.

Ken Mowery made the motion to approve the site plan as submitted, Jeff Smith seconded the motion with all members voting AYE.

COMMITTEE REPORTS

The Legislative Committee Chairman Jeff Smith reviewed the committee report with the full Planning Board, indicating the cooperation between two city departments. Gail Elder White, City Parks & Recreation Director, attended the meeting and made several important points. The provisions for "Open Space" in new subdivisions (and perhaps elsewhere) will help implement two studies that have been approved by City Council- the Salisbury 2020 Plan, as well as the

Parks and Recreation Master Plan. Future meetings will continue to involve Gail and perhaps others on her staff, as well as her Board. The committee wants to make this as open a process as possible. In the future there will be input from developers and others who may want to participate in the process.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary